



General Assembly

February Session, 2008

***Raised Bill No. 502***

LCO No. 2528

\*02528\_\_\_\_\_TRA\*

Referred to Committee on Transportation

Introduced by:  
(TRA)

***AN ACT CONCERNING REVISIONS TO THE DUI AND IGNITION  
INTERLOCK DEVICE STATUTES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-36 of the general statutes is amended by adding  
2 subsection (g) as follows (*Effective October 1, 2008*):

3 (NEW) (g) The commissioner may place a restriction on the motor  
4 vehicle operator's license of any person or on any special operator's  
5 permit issued to any person in accordance with the provisions of  
6 section 14-37a, as amended by this act, that restricts the holder of such  
7 license or permit to the operation of a motor vehicle that is equipped  
8 with an approved ignition interlock device, for such time as the  
9 commissioner shall prescribe, if such person has been: (1) Convicted  
10 for a second time of a violation of subdivision (2) of subsection (a) of  
11 section 14-227a, as amended by this act, and has served not less than  
12 one year of the prescribed period of suspension for such conviction, in  
13 accordance with the provisions of subsections (g) and (i) of section 14-  
14 227a, as amended by this act; (2) ordered by the Superior Court not to  
15 operate any motor vehicle unless it is equipped with an approved  
16 ignition interlock device, in accordance with the provisions of section

17 14-227j, as amended by this act; (3) granted a reversal or reduction of  
18 such person's license suspension or revocation, in accordance with the  
19 provisions of subsection (k) of section 14-111; (4) issued a motor  
20 vehicle operator's license upon the surrender of an operator's license  
21 issued by another state and such previously held license contains a  
22 restriction to the operation of a motor vehicle equipped with an  
23 ignition interlock device; (5) convicted of a violation of section 53a-56b,  
24 as amended by this act, or section 53a-60d, as amended by this act; or  
25 (6) permitted by the commissioner to be issued or to retain an  
26 operator's license subject to reporting requirements concerning such  
27 person's physical condition, in accordance with the provisions of  
28 subsection (e) of this section and sections 14-45a to 14-46g, inclusive.

29 Sec. 2. Section 14-37a of the general statutes is repealed and the  
30 following is substituted in lieu thereof (*Effective October 1, 2008*):

31 (a) Any person whose operator's license has been suspended  
32 pursuant to any provision of this chapter or chapter 248, except  
33 pursuant to section 14-215 of the 2008 supplement to the general  
34 statutes for operating under suspension or pursuant to section 14-140  
35 for failure to appear for [trial] any scheduled court appearance, and  
36 any person identified in subsection (g) of this section may make  
37 application to the Commissioner of Motor Vehicles for a special permit  
38 to operate a motor vehicle to and from such person's place of  
39 employment or, if such person is not employed at a fixed location, to  
40 operate a motor vehicle only in connection with, and to the extent  
41 necessary, to properly perform such person's business or profession.

42 (b) The commissioner may, in the commissioner's discretion upon a  
43 showing of significant hardship, grant each such application that is  
44 submitted in proper form and contains such information and  
45 attestation by the applicant as the commissioner may require. In  
46 determining whether to grant such application, the commissioner may  
47 also consider the driving record of the applicant and shall ascertain  
48 that the suspension is a final order that is not under appeal pursuant to

49 section 4-183. A special operator's permit shall not be issued pursuant  
50 to this section to any person for the operation of a motor vehicle for  
51 which a public passenger transportation permit or commercial driver's  
52 license is required or to any person whose operator's license has been  
53 suspended previously pursuant to section 14-227a, as amended by this  
54 act, or 14-227b, as amended by this act. A special operator's permit  
55 shall not be issued pursuant to this section to any person whose  
56 operator's license has been suspended pursuant to subparagraph (C) of  
57 subdivision (1) of subsection (i) of section 14-227b, as amended by this  
58 act, for refusing to submit to a blood, breath or urine test or analysis  
59 until such operator's license has been under suspension for a period of  
60 not less than ninety days. A person shall not be ineligible to be issued a  
61 special operator's permit under this section solely on the basis of being  
62 convicted of two violations of section 14-227a, as amended by this act,  
63 unless such second conviction is for a violation committed after a prior  
64 conviction.

65 (c) A special operator's permit issued pursuant to this section shall  
66 be of a distinctive format and shall include the expiration date and the  
67 legend "work only".

68 (d) Any person issued a special operator's permit pursuant to this  
69 section who operates a motor vehicle during the period of the permit  
70 for a purpose not authorized by the conditions of the permit shall,  
71 upon receipt of written report of a police officer, in such form as the  
72 commissioner may prescribe, of such unauthorized operation, be  
73 subject to a civil penalty of not more than five hundred dollars. Any  
74 person who makes improper use of a special operator's permit issued  
75 pursuant to this section or in any manner alters any such permit or  
76 who loans or sells such permit for use by another person shall be  
77 subject to the penalties provided by section 14-147.

78 (e) If a person issued a special operator's permit pursuant to this  
79 section has his operator's license suspended by the commissioner in  
80 connection with any motor vehicle violation or other offense for which

81 suspension action is authorized, the special operator's permit shall be  
82 deemed revoked on the effective date of such suspension, and any  
83 such person with notice of the suspension who operates a motor  
84 vehicle shall be operating under suspension and shall be subject to  
85 double the penalties provided by the applicable provisions of  
86 subsection (b) of section 14-111 of the 2008 supplement to the general  
87 statutes and section 14-215 of the 2008 supplement to the general  
88 statutes.

89 (f) Any decision made by the commissioner under this section shall  
90 not be subject to appeal pursuant to the provisions of chapter 54 or any  
91 other provisions of the general statutes.

92 (g) Any person who is an applicant for a motor vehicle operator's  
93 license and whose license or privilege to operate a motor vehicle has  
94 been restricted by any other state in a manner that the commissioner  
95 deems to be substantially similar to the restrictions imposed by a  
96 special operator's permit issued in accordance with this section, may,  
97 in the discretion of the commissioner, be issued an operator's license  
98 together with a special operator's permit. The special operator's permit  
99 shall be required to be held by such person for such time as the  
100 commissioner prescribes.

101 [g] (h) The commissioner may adopt regulations in accordance with  
102 the provisions of chapter 54 to implement the provisions of this  
103 section.

104 Sec. 3. Section 14-227a of the general statutes is repealed and the  
105 following is substituted in lieu thereof (*Effective October 1, 2008*):

106 (a) No person shall operate a motor vehicle while under the  
107 influence of intoxicating liquor or any drug or both. A person commits  
108 the offense of operating a motor vehicle while under the influence of  
109 intoxicating liquor or any drug or both if such person operates a motor  
110 vehicle (1) while under the influence of intoxicating liquor or any drug  
111 or both, or (2) while such person has an elevated blood alcohol content.

112 For the purposes of this section, "elevated blood alcohol content"  
113 means a ratio of alcohol in the blood of such person that is eight-  
114 hundredths of one per cent or more of alcohol, by weight, and "motor  
115 vehicle" includes a snowmobile and all-terrain vehicle, as those terms  
116 are defined in section 14-379.

117 (b) Except as provided in subsection (c) of this section, in any  
118 criminal prosecution for violation of subsection (a) of this section,  
119 evidence respecting the amount of alcohol or drug in the defendant's  
120 blood or urine at the time of the alleged offense, as shown by a  
121 chemical analysis of the defendant's breath, blood or urine shall be  
122 admissible and competent provided: (1) The defendant was afforded a  
123 reasonable opportunity to telephone an attorney prior to the  
124 performance of the test and consented to the taking of the test upon  
125 which such analysis is made; (2) a true copy of the report of the test  
126 result was mailed to or personally delivered to the defendant [within  
127 twenty-four hours or by the end of the next regular business day,] not  
128 later than three business days after such result was known; [,  
129 whichever is later;] (3) the test was performed by or at the direction of  
130 a police officer according to methods and with equipment approved  
131 by the Department of Public Safety and was performed in accordance  
132 with the regulations adopted under subsection (d) of this section; (4)  
133 the device used for such test was checked for accuracy in accordance  
134 with the regulations adopted under subsection (d) of this section; (5)  
135 an additional chemical test of the same type was performed at least  
136 [thirty] ten minutes after the initial test was performed or, if requested  
137 by the police officer for reasonable cause, an additional chemical test of  
138 a different type was performed to detect the presence of a drug or  
139 drugs other than or in addition to alcohol, provided the results of the  
140 initial test shall not be inadmissible under this subsection if reasonable  
141 efforts were made to have such additional test performed in  
142 accordance with the conditions set forth in this subsection and such  
143 additional test was not performed or was not performed within a  
144 reasonable time, or the results of such additional test are not  
145 admissible for failure to meet a condition set forth in this subsection;

146 and (6) evidence is presented that the test was commenced within two  
147 hours of operation. In any prosecution under this section it shall be a  
148 rebuttable presumption that the results of such chemical analysis  
149 establish the ratio of alcohol in the blood of the defendant at the time  
150 of the alleged offense, except that if the results of the additional test  
151 indicate that the ratio of alcohol in the blood of such defendant is  
152 twelve-hundredths of one per cent or less of alcohol, by weight, and is  
153 higher than the results of the first test, evidence shall be presented that  
154 demonstrates that the test results and the analysis thereof accurately  
155 indicate the blood alcohol content at the time of the alleged offense.

156 (c) In any prosecution for a violation of subdivision (1) of subsection  
157 (a) of this section, reliable evidence respecting the amount of alcohol in  
158 the defendant's blood or urine at the time of the alleged offense, as  
159 shown by a chemical analysis of the defendant's blood, breath or urine,  
160 otherwise admissible under subsection (b) of this section, shall be  
161 admissible only at the request of the defendant.

162 (d) The Commissioner of Public Safety shall ascertain the reliability  
163 of each method and type of device offered for chemical testing and  
164 analysis purposes of blood, of breath and of urine and certify those  
165 methods and types which said commissioner finds suitable for use in  
166 testing and analysis of blood, breath and urine, respectively, in this  
167 state. The Commissioner of Public Safety shall adopt regulations, in  
168 accordance with chapter 54, governing the conduct of chemical tests,  
169 the operation and use of chemical test devices, the training and  
170 certification of operators of such devices and the drawing or obtaining  
171 of blood, breath or urine samples as said commissioner finds necessary  
172 to protect the health and safety of persons who submit to chemical  
173 tests and to insure reasonable accuracy in testing results. Such  
174 regulations shall not require recertification of a police officer solely  
175 because such officer terminates such officer's employment with the law  
176 enforcement agency for which certification was originally issued and  
177 commences employment with another such agency.

178 (e) In any criminal prosecution for a violation of subsection (a) of  
179 this section, evidence that the defendant refused to submit to a blood,  
180 breath or urine test requested in accordance with section 14-227b, as  
181 amended by this act, shall be admissible provided the requirements of  
182 subsection (b) of said section have been satisfied. If a case involving a  
183 violation of subsection (a) of this section is tried to a jury, the court  
184 shall instruct the jury as to any inference that may or may not be  
185 drawn from the defendant's refusal to submit to a blood, breath or  
186 urine test.

187 (f) If a person is charged with a violation of the provisions of  
188 subsection (a) of this section, the charge may not be reduced, nolle or  
189 dismissed unless the prosecuting authority states in open court such  
190 prosecutor's reasons for the reduction, nolle or dismissal.

191 (g) Any person who violates any provision of subsection (a) of this  
192 section shall: (1) For conviction of a first violation, (A) be fined not less  
193 than five hundred dollars or more than one thousand dollars, and (B)  
194 be (i) imprisoned not more than six months, forty-eight consecutive  
195 hours of which may not be suspended or reduced in any manner, or  
196 (ii) imprisoned not more than six months, with the execution of such  
197 sentence of imprisonment suspended entirely and a period of  
198 probation imposed requiring as a condition of such probation that  
199 such person perform one hundred hours of community service, as  
200 defined in section 14-227e, and (C) have such person's motor vehicle  
201 operator's license or nonresident operating privilege suspended for  
202 one year; (2) for conviction of a second violation within [ten] fifteen  
203 years after a prior conviction for the same offense, (A) be fined not less  
204 than one thousand dollars or more than four thousand dollars, (B) be  
205 imprisoned not more than two years, one hundred twenty consecutive  
206 days of which may not be suspended or reduced in any manner, and  
207 sentenced to a period of probation requiring as a condition of such  
208 probation that such person perform one hundred hours of community  
209 service, as defined in section 14-227e, and (C) [(i) have such person's  
210 motor vehicle operator's license or nonresident operating privilege

211 suspended for three years or until the date of such person's twenty-  
212 first birthday, whichever is longer, or (ii) if such person has been  
213 convicted of a violation of subdivision (1) of subsection (a) of this  
214 section on account of being under the influence of intoxicating liquor  
215 or of subdivision (2) of subsection (a) of this section,] have such  
216 person's motor vehicle operator's license or nonresident operating  
217 privilege suspended for one year and be prohibited for the two-year  
218 period following completion of such period of suspension from  
219 operating [a] any motor vehicle unless such motor vehicle is equipped  
220 with a functioning, approved ignition interlock device, as defined in  
221 section 14-227j, as amended by this act; and (3) for conviction of a third  
222 and subsequent violation within [ten] fifteen years after a prior  
223 conviction for the same offense, (A) be fined not less than two  
224 thousand dollars or more than eight thousand dollars, (B) be  
225 imprisoned not more than three years, one year of which may not be  
226 suspended or reduced in any manner, and sentenced to a period of  
227 probation requiring as a condition of such probation that such person  
228 perform one hundred hours of community service, as defined in  
229 section 14-227e, and (C) have such person's motor vehicle operator's  
230 license or nonresident operating privilege permanently revoked upon  
231 such third offense. For purposes of the imposition of penalties for a  
232 second or third and subsequent offense pursuant to this subsection, a  
233 conviction under the provisions of subsection (a) of this section in  
234 effect on October 1, 1981, or as amended thereafter, a conviction under  
235 the provisions of either subdivision (1) or (2) of subsection (a) of this  
236 section, a conviction under the provisions of section 53a-56b, as  
237 amended by this act, or 53a-60d, as amended by this act, or a  
238 conviction in any other state of any offense the essential elements of  
239 which are determined by the court to be substantially the same as  
240 subdivision (1) or (2) of subsection (a) of this section or section 53a-56b,  
241 as amended by this act, or 53a-60d, as amended by this act, shall  
242 constitute a prior conviction for the same offense.

243 (h) (1) Each court shall report each conviction under subsection (a)  
244 of this section to the Commissioner of Motor Vehicles, in accordance



245 with the provisions of section 14-141. The commissioner shall suspend  
 246 the motor vehicle operator's license or nonresident operating privilege  
 247 of the person reported as convicted for the period of time required by  
 248 subsection (g) of this section. The commissioner shall determine the  
 249 period of time required by said subsection (g) based on the number of  
 250 convictions such person has had within the specified time period  
 251 according to such person's driving history record, notwithstanding the  
 252 sentence imposed by the court for such conviction. For the purpose of  
 253 determining such period of time required by said subsection (g), the  
 254 commissioner shall maintain a record of each conviction reported  
 255 under subsection (a) of this section for ten years, except that for any  
 256 such conviction on and after the effective date of this act such record  
 257 shall be maintained for fifteen years. (2) The motor vehicle operator's  
 258 license or nonresident operating privilege of a person found guilty  
 259 under subsection (a) of this section who is under eighteen years of age  
 260 shall be suspended by the commissioner for the period of time set forth  
 261 in subsection (g) of this section, or until such person attains the age of  
 262 eighteen years, whichever period is longer. (3) The motor vehicle  
 263 operator's license or nonresident operating privilege of a person found  
 264 guilty under subsection (a) of this section who, at the time of the  
 265 offense, was operating a motor vehicle in accordance with a special  
 266 operator's permit issued pursuant to section 14-37a, as amended by  
 267 this act, shall be suspended by the commissioner for twice the period  
 268 of time set forth in subsection (g) of this section. (4) If an appeal of any  
 269 conviction under subsection (a) of this section is taken, the suspension  
 270 of the motor vehicle operator's license or nonresident operating  
 271 privilege by the commissioner, in accordance with this subsection,  
 272 shall be stayed during the pendency of such appeal.

273 (i) (1) The Commissioner of Motor Vehicles shall permit a person  
 274 whose license has been suspended in accordance with the provisions  
 275 of subparagraph [(C) (ii)] (C) of subdivision (2) of subsection (g) of this  
 276 section to operate a motor vehicle if (A) such person has [served]  
 277 completed not less than one year of such suspension, [and] (B) such  
 278 person has installed an approved ignition interlock device in each

279 motor vehicle owned or to be operated by such person, [ . No] and (C)  
280 such person has agreed to operate such motor vehicle only by  
281 personally using the installed approved ignition interlock device.  
282 Except as provided in section 14-36, as amended by this act, no person  
283 whose license is suspended by the commissioner for any other reason  
284 shall be eligible to operate a motor vehicle equipped with an approved  
285 ignition interlock device. (2) All costs of installing and maintaining an  
286 ignition interlock device shall be borne by the person required to  
287 install such device. (3) The commissioner shall adopt regulations, in  
288 accordance with the provisions of chapter 54, to implement the  
289 provisions of this subsection. The regulations shall establish  
290 procedures for the approval of ignition interlock devices, for the  
291 proper calibration and maintenance of such devices and for the  
292 installation of such devices by any firm approved and authorized by  
293 the commissioner. (4) [The] Except as provided in section 14-36, as  
294 amended by this act, the provisions of this subsection shall not be  
295 construed to authorize the continued operation of a motor vehicle  
296 equipped with an ignition interlock device by any person whose  
297 operator's license or nonresident operating privilege is withdrawn,  
298 suspended or revoked for any other reason. [(5) The provisions of this  
299 subsection shall apply to any person whose license has been  
300 suspended in accordance with the provisions of subparagraph (C)(ii)  
301 of subdivision (2) of subsection (g) of this section on or after September  
302 1, 2003.]

303 (j) In addition to any fine or sentence imposed pursuant to the  
304 provisions of subsection (g) of this section, the court may order such  
305 person to participate in and complete an appropriate alcohol education  
306 and substance abuse treatment program.

307 (k) Notwithstanding the provisions of subsection (b) of this section,  
308 evidence respecting the amount of alcohol or drug in the blood or  
309 urine of an operator of a motor vehicle involved in an accident who  
310 has suffered or allegedly suffered physical injury in such accident,  
311 which evidence is derived from a chemical analysis of a blood sample

312 taken from or a urine sample provided by such person after such  
313 accident at the scene of the accident, while en route to a hospital or at a  
314 hospital, shall be competent evidence to establish probable cause for  
315 the arrest by warrant of such person for a violation of subsection (a) of  
316 this section and shall be admissible and competent in any subsequent  
317 prosecution thereof if: (1) The blood sample was taken or the urine  
318 sample was provided for the diagnosis and treatment of such injury;  
319 (2) if a blood sample was taken, the blood sample was taken in  
320 accordance with the regulations adopted under subsection (d) of this  
321 section; (3) a police officer has demonstrated to the satisfaction of a  
322 judge of the Superior Court that such officer has reason to believe that  
323 such person was operating a motor vehicle while under the influence  
324 of intoxicating liquor or drug or both and that the chemical analysis of  
325 such blood or urine sample constitutes evidence of the commission of  
326 the offense of operating a motor vehicle while under the influence of  
327 intoxicating liquor or drug or both in violation of subsection (a) of this  
328 section; and (4) such judge has issued a search warrant in accordance  
329 with section 54-33a authorizing the seizure of the chemical analysis of  
330 such blood or urine sample. Such search warrant may also authorize  
331 the seizure of the medical records prepared by the hospital in  
332 connection with the diagnosis or treatment of such injury.

333 (l) If the court sentences a person convicted of a violation of  
334 subsection (a) of this section to a period of probation, the court may  
335 require as a condition of such probation that such person participate in  
336 a victim impact panel program approved by the Court Support  
337 Services Division of the Judicial Department. Such victim impact panel  
338 program shall provide a nonconfrontational forum for the victims of  
339 alcohol-related or drug-related offenses and offenders to share  
340 experiences on the impact of alcohol-related or drug-related incidents  
341 in their lives. Such victim impact panel program shall be conducted by  
342 a nonprofit organization that advocates on behalf of victims of  
343 accidents caused by persons who operated a motor vehicle while  
344 under the influence of intoxicating liquor or any drug, or both. Such  
345 organization may assess a participation fee of not more than twenty-

346 five dollars on any person required by the court to participate in such  
347 program.

348 Sec. 4. Section 14-227b of the general statutes, as amended by section  
349 34 of public act 08-1 of the January special session, is repealed and the  
350 following is substituted in lieu there (*Effective October 1, 2008*):

351 (a) Any person who operates a motor vehicle in this state shall be  
352 deemed to have given such person's consent to a chemical analysis of  
353 such person's blood, breath or urine and, if such person is a minor,  
354 such person's parent or parents or guardian shall also be deemed to  
355 have given their consent.

356 (b) If any such person, having been placed under arrest for  
357 operating a motor vehicle while under the influence of intoxicating  
358 liquor or any drug or both, and thereafter, after being apprised of such  
359 person's constitutional rights, having been requested to submit to a  
360 blood, breath or urine test at the option of the police officer, having  
361 been afforded a reasonable opportunity to telephone an attorney prior  
362 to the performance of such test and having been informed that such  
363 person's license or nonresident operating privilege may be suspended  
364 in accordance with the provisions of this section if such person refuses  
365 to submit to such test or if such person submits to such test and the  
366 results of such test indicate that such person has an elevated blood  
367 alcohol content, and that evidence of any such refusal shall be  
368 admissible in accordance with subsection (e) of section 14-227a, as  
369 amended by this act, and may be used against such person in any  
370 criminal prosecution, refuses to submit to the designated test, the test  
371 shall not be given; provided, if the person refuses or is unable to  
372 submit to a blood test, the police officer shall designate the breath or  
373 urine test as the test to be taken. The police officer shall make a  
374 notation upon the records of the police department that such officer  
375 informed the person that such person's license or nonresident  
376 operating privilege may be suspended if such person refused to submit  
377 to such test or if such person submitted to such test and the results of

378 such test indicated that such person had an elevated blood alcohol  
379 content.

380 (c) If the person arrested refuses to submit to such test or analysis or  
381 submits to such test or analysis, commenced within two hours of the  
382 time of operation, and the results of such test or analysis indicate that  
383 such person has an elevated blood alcohol content, the police officer,  
384 acting on behalf of the Commissioner of Motor Vehicles, shall  
385 immediately revoke and take possession of the motor vehicle  
386 operator's license or, if such person is a nonresident, suspend the  
387 nonresident operating privilege of such person, for a twenty-four-hour  
388 period. The police officer shall prepare a [written] report of the  
389 incident and shall mail or otherwise transmit in accordance with this  
390 subsection the report and a copy of the results of any chemical test or  
391 analysis to the Department of Motor Vehicles within [three] five  
392 business days. The report shall [be made on a form approved] provide  
393 such information as prescribed by the Commissioner of Motor Vehicles  
394 and shall be subscribed and sworn to under penalty of false statement  
395 as provided in section 53a-157b by the arresting officer. The report  
396 shall contain a certification by the arresting officer that such officer had  
397 probable cause to arrest such person for a violation of subsection (a) of  
398 section 14-227a, as amended by this act. If the person arrested refused  
399 to submit to such test or analysis, the report shall be endorsed by a  
400 third person who witnessed such refusal. The report shall set forth the  
401 grounds for the officer's [belief that there was] certification of probable  
402 cause to arrest such person for [operating a motor vehicle while under  
403 the influence of intoxicating liquor or any drug or both] a violation of  
404 subsection (a) of section 14-227a, as amended by this act, and shall  
405 state that such person had refused to submit to such test or analysis  
406 when requested by such police officer to do so or that such person  
407 submitted to such test or analysis, commenced within two hours of the  
408 time of operation, and the results of such test or analysis indicated that  
409 such person had an elevated blood alcohol content. The Commissioner  
410 of Motor Vehicles shall, not later than ten business days after receipt of  
411 such report, notify the police officer submitting the report of any error

412 in form or required documentation. The Commissioner of Motor  
413 Vehicles may accept a police report under this subsection that is  
414 prepared and transmitted as an electronic record, including electronic  
415 signature or signatures, subject to such security procedures as the  
416 commissioner may specify and in accordance with the provisions of  
417 sections 1-266 to 1-286, inclusive.

418 (d) If the person arrested submits to a blood or urine test at the  
419 request of the police officer, and the specimen requires laboratory  
420 analysis in order to obtain the test results, the police officer shall not  
421 take possession of the motor vehicle operator's license of such person  
422 or, except as provided in this subsection, follow the procedures  
423 subsequent to taking possession of the operator's license as set forth in  
424 subsection (c) of this section. If the test results indicate that such  
425 person has an elevated blood alcohol content, the police officer,  
426 immediately upon receipt of the test results, shall notify the  
427 Commissioner of Motor Vehicles and submit to the commissioner the  
428 written report required pursuant to subsection (c) of this section.

429 (e) (1) Except as provided in subdivision (2) of this subsection, upon  
430 receipt of such report, the Commissioner of Motor Vehicles may  
431 suspend any operator's license or nonresident operating privilege of  
432 such person effective as of a date certain, which date shall be not later  
433 than thirty days after the date such person received notice of such  
434 person's arrest by the police officer. Any person whose operator's  
435 license or nonresident operating privilege has been suspended in  
436 accordance with this subdivision shall automatically be entitled to a  
437 hearing before the commissioner to be held in accordance with the  
438 provisions if chapter 54 and prior to the effective date of the  
439 suspension. The commissioner shall send a suspension notice to such  
440 person informing such person that such person's operator's license or  
441 nonresident operating privilege is suspended as of a date certain and  
442 that such person is entitled to a hearing prior to the effective date of  
443 the suspension and may schedule such hearing by contacting the  
444 Department of Motor Vehicles not later than seven days after the date

445 of mailing of such suspension notice.

446 (2) If the person arrested (A) is involved in an accident resulting in a  
447 fatality, or (B) has previously had such person's operator's license or  
448 nonresident operating privilege suspended under the provisions of  
449 section 14-227a, as amended by this act, during the [ten-year] fifteen  
450 year period preceding the present arrest, upon receipt of such report,  
451 the Commissioner of Motor Vehicles may suspend any operator's  
452 license or nonresident operating privilege of such person effective as of  
453 the date specified in a notice of such suspension to such person. Any  
454 person whose operator's license or nonresident operating privilege has  
455 been suspended in accordance with this subdivision shall  
456 automatically be entitled to a hearing before the commissioner to be  
457 held in accordance with the provisions of chapter 54. The  
458 commissioner shall send a suspension notice to such person informing  
459 such person that such person's operator's license or nonresident  
460 operating privilege is suspended as of the date specified in such  
461 suspension notice, and that such person is entitled to a hearing and  
462 may schedule such hearing by contacting the Department of Motor  
463 Vehicles not later than seven days after the date of mailing of such  
464 suspension notice. Any suspension issued under this subdivision shall  
465 remain in effect until such suspension is affirmed or such operator's  
466 license or nonresident operating privilege is reinstated in accordance  
467 with subsections (f) and (h) of this section.

468 (f) If such person does not contact the department to schedule a  
469 hearing, the commissioner shall affirm the suspension contained in the  
470 suspension notice for the appropriate period specified in subsection (i)  
471 or (j) of this section.

472 (g) If such person contacts the department to schedule a hearing, the  
473 department shall assign a date, time and place for the hearing, which  
474 date shall be prior to the effective date of the suspension, except that,  
475 with respect to a person whose operator's license or nonresident  
476 operating privilege is suspended in accordance with subdivision (2) of

477 subsection (e) of this section, such hearing shall be scheduled not later  
 478 than thirty days after such person contacts the department. At the  
 479 request of such person or the hearing officer and upon a showing of  
 480 good cause, the commissioner may grant one [continuance for a period  
 481 not to exceed fifteen days] or more continuances. The hearing shall be  
 482 limited to a determination of the following issues: (1) [Did the police  
 483 officer have probable cause to arrest the person for operating a motor  
 484 vehicle while under the influence of intoxicating liquor or any drug or  
 485 both; (2) was] Was such person placed under arrest; [(3)] (2) did such  
 486 person refuse to submit to such test or analysis or did such person  
 487 submit to such test or analysis, commenced within two hours of the  
 488 time of operation, and the results of such test or analysis indicated that  
 489 such person had an elevated blood alcohol content; and [(4)] (3) was  
 490 such person operating the motor vehicle. In the hearing, the results of  
 491 the test or analysis shall be sufficient to indicate the ratio of alcohol in  
 492 the blood of such person at the time of operation, [except that if the  
 493 results of the additional test indicate that the ratio of alcohol in the  
 494 blood of such person is twelve-hundredths of one per cent or less of  
 495 alcohol, by weight, and is higher than the results of the first test,  
 496 evidence shall be presented that demonstrates that the test results and  
 497 analysis thereof accurately indicate the blood alcohol content at the  
 498 time of operation] provided the test was commenced within two hours  
 499 of operation. The fees of any witness summoned to appear at the  
 500 hearing shall be the same as provided by the general statutes for  
 501 witnesses in criminal cases.

502 (h) If, after such hearing, the commissioner finds on any one of the  
 503 said issues in the negative, the commissioner shall reinstate such  
 504 license or operating privilege. If, after such hearing, the commissioner  
 505 does not find on any one of the said issues in the negative or if such  
 506 person fails to appear at such hearing, the commissioner shall affirm  
 507 the suspension contained in the suspension notice for the appropriate  
 508 period specified in subsection (i) or (j) of this section. The  
 509 commissioner shall render a decision at the conclusion of such hearing  
 510 or send a notice of the decision by bulk certified mail to such person



511 not later than [thirty] sixty days [or, if a continuance is granted, not  
512 later than forty-five days] from the date such person received notice of  
513 such person's arrest by the police officer. The notice of such decision  
514 sent by bulk certified mail to the address of such person as shown by  
515 the records of the commissioner shall be sufficient notice to such  
516 person that such person's operator's license or nonresident operating  
517 privilege is reinstated or suspended, as the case may be. [Unless a  
518 continuance of the hearing is granted pursuant to subsection (g) of this  
519 section, if the commissioner fails to render a decision within thirty  
520 days from the date such person received notice of such person's arrest  
521 by the police officer, the commissioner shall reinstate such person's  
522 operator's license or nonresident operating privilege, provided  
523 notwithstanding such reinstatement the commissioner may render a  
524 decision not later than two days thereafter suspending such operator's  
525 license or nonresident operating privilege.]

526 (i) Except as provided in subsection (j) of this section, the  
527 commissioner shall suspend the operator's license or nonresident  
528 operating privilege of a person who did not contact the department to  
529 schedule a hearing, who failed to appear at a hearing or against whom,  
530 after a hearing, the commissioner held pursuant to subsection (h) of  
531 this section, as of the effective date contained in the suspension notice  
532 or the date the commissioner renders a decision, whichever is later, for  
533 a period of: (1) (A) Except as provided in subparagraph (B) of this  
534 subdivision, ninety days, if such person submitted to a test or analysis  
535 and the results of such test or analysis indicated that such person had  
536 an elevated blood alcohol content, (B) one hundred twenty days, if  
537 such person submitted to a test or analysis and the results of such test  
538 or analysis indicated that the ratio of alcohol in the blood of such  
539 person was sixteen-hundredths of one per cent or more of alcohol, by  
540 weight, or (C) six months if such person refused to submit to such test  
541 or analysis, (2) if such person has previously had such person's  
542 operator's license or nonresident operating privilege suspended under  
543 this section, (A) except as provided in subparagraph (B) of this  
544 subdivision, nine months if such person submitted to a test or analysis

545 and the results of such test or analysis indicated that such person had  
546 an elevated blood alcohol content, (B) ten months if such person  
547 submitted to a test or analysis and the results of such test or analysis  
548 indicated that the ratio of alcohol in the blood of such person was  
549 sixteen-hundredths of one per cent or more of alcohol, by weight, and  
550 (C) one year if such person refused to submit to such test or analysis,  
551 and (3) if such person has two or more times previously had such  
552 person's operator's license or nonresident operating privilege  
553 suspended under this section, (A) except as provided in subparagraph  
554 (B) of this subdivision, two years if such person submitted to a test or  
555 analysis and the results of such test or analysis indicated that such  
556 person had an elevated blood alcohol content, (B) two and one-half  
557 years if such person submitted to a test or analysis and the results of  
558 such test or analysis indicated that the ratio of alcohol in the blood of  
559 such person was sixteen-hundredths of one per cent or more of  
560 alcohol, by weight, and (C) three years if such person refused to  
561 submit to such test or analysis.

562 (j) The commissioner shall suspend the operator's license or  
563 nonresident operating privilege of a person under twenty-one years of  
564 age who did not contact the department to schedule a hearing, who  
565 failed to appear at a hearing or against whom, after a hearing, the  
566 commissioner held pursuant to subsection (h) of this section, as of the  
567 effective date contained in the suspension notice or the date the  
568 commissioner renders a decision, whichever is later, for twice the  
569 appropriate period of time specified in subsection (i) of this section.

570 (k) Notwithstanding the provisions of subsections (b) to (j),  
571 inclusive, of this section, any police officer who obtains the results of a  
572 chemical analysis of a blood sample taken from an operator of a motor  
573 vehicle involved in an accident who suffered or allegedly suffered  
574 physical injury in such accident shall notify the Commissioner of  
575 Motor Vehicles and submit to the commissioner a written report if  
576 such results indicate that such person had an elevated blood alcohol  
577 content, and if such person was arrested for violation of section

578 14-227a, as amended by this act, in connection with such accident. The  
579 report shall be made on a form approved by the commissioner  
580 containing such information as the commissioner prescribes, and shall  
581 be subscribed and sworn to under penalty of false statement, as  
582 provided in section 53a-157b, by the police officer. The commissioner  
583 may, after notice and an opportunity for hearing, which shall be  
584 conducted in accordance with chapter 54, suspend the motor vehicle  
585 operator's license or nonresident operating privilege of such person for  
586 a period of up to ninety days, or, if such person has previously had  
587 such person's operator's license or nonresident operating privilege  
588 suspended under this section for a period of up to one year. Each  
589 hearing conducted under this subsection shall be limited to a  
590 determination of the following issues: (1) Whether the police officer  
591 had probable cause to arrest the person for operating a motor vehicle  
592 while under the influence of intoxicating liquor or drug or both; (2)  
593 whether such person was placed under arrest; (3) whether such person  
594 was operating the motor vehicle; (4) whether the results of the analysis  
595 of the blood of such person indicate that such person had an elevated  
596 blood alcohol content; and (5) whether the blood sample was obtained  
597 in accordance with conditions for admissibility and competence as  
598 evidence as set forth in subsection (j) of section 14-227a, as amended by  
599 this act. If, after such hearing, the commissioner finds on any one of the  
600 said issues in the negative, the commissioner shall not impose a  
601 suspension. The fees of any witness summoned to appear at the  
602 hearing shall be the same as provided by the general statutes for  
603 witnesses in criminal cases, as provided in section 52-260.

604 (l) The provisions of this section shall apply with the same effect to  
605 the refusal by any person to submit to an additional chemical test as  
606 provided in subdivision (5) of subsection (b) of section 14-227a, as  
607 amended by this act.

608 (m) The provisions of this section shall not apply to any person  
609 whose physical condition is such that, according to competent medical  
610 advice, such test would be inadvisable.

611 (n) The state shall pay the reasonable charges of any physician who,  
612 at the request of a municipal police department, takes a blood sample  
613 for purposes of a test under the provisions of this section.

614 (o) For the purposes of this section, "elevated blood alcohol content"  
615 means (1) a ratio of alcohol in the blood of such person that is eight-  
616 hundredths of one per cent or more of alcohol, by weight, (2) if such  
617 person is operating a commercial motor vehicle, a ratio of alcohol in  
618 the blood of such person that is four-hundredths of one per cent or  
619 more of alcohol, by weight, or [(2)] (3) if such person is under twenty-  
620 one years of age, a ratio of alcohol in the blood of such person that is  
621 two-hundredths of one per cent or more of alcohol, by weight.

622 (p) The Commissioner of Motor Vehicles shall adopt regulations, in  
623 accordance with chapter 54, to implement the provisions of this  
624 section.

625 Sec. 5. Section 14-227g of the general statutes is repealed and the  
626 following is substituted in lieu thereof (*Effective October 1, 2008*):

627 (a) No person under twenty-one years of age shall operate a motor  
628 vehicle [on a public highway of this state or on any road of a district  
629 organized under the provisions of chapter 105, a purpose of which is  
630 the construction and maintenance of roads and sidewalks, or on any  
631 private road on which a speed limit has been established in accordance  
632 with the provisions of section 14-218a, or in any parking area for ten or  
633 more cars or on any school property] while the ratio of alcohol in the  
634 blood of such person is two-hundredths of one per cent or more of  
635 alcohol, by weight.

636 (b) The fact that the operator of a motor vehicle appears to be  
637 sixteen years of age or over but under twenty-one years of age shall  
638 not constitute a reasonable and articulable suspicion that an offense  
639 has been or is being committed so as to justify an investigatory stop of  
640 such motor vehicle by a police officer.

641 (c) The provisions of subsections (b), (c), (d), (f), (g), (h), (i), (j) [.] and  
642 (k) of section 14-227a, as amended by this act, adapted accordingly,  
643 shall be applicable to a violation of subsection (a) of this section.

644 Sec. 6. Section 14-227j of the general statutes is repealed and the  
645 following is substituted in lieu thereof (*Effective October 1, 2008*):

646 (a) For the purposes of this section and section 14-227k, as amended  
647 by this act: "Ignition interlock device" means a device installed in a  
648 motor vehicle that measures the blood alcohol content of the operator  
649 and disallows the mechanical operation of such motor vehicle until the  
650 blood alcohol content of such operator is less than twenty-five  
651 thousandths of one per cent.

652 (b) Any person who has been arrested for a violation of subsection  
653 (a) of section 14-227a, as amended by this act, section 53a-56b, as  
654 amended by this act, or section 53a-60d, as amended by this act, may  
655 be ordered by the court not to operate any motor vehicle unless (1)  
656 such motor vehicle is equipped with an ignition interlock device, and  
657 (2) such person uses such device to operate such motor vehicle. Any  
658 such order may be made as a condition of such person's release on bail,  
659 as a condition of probation or as a condition of granting such person's  
660 application for participation in the pretrial alcohol education system  
661 under section 54-56g of the 2008 supplement to the general statutes, as  
662 amended by this act, and may include any other terms and conditions  
663 as to duration, use, proof of installation or any other matter that the  
664 court determines to be appropriate or necessary.

665 (c) All costs of installing and maintaining an ignition interlock  
666 device shall be borne by the person who is the subject of an order  
667 made pursuant to subsection (b) of this section.

668 (d) No ignition interlock device shall be installed pursuant to an  
669 order of the court under subsection (b) of this section unless such  
670 device has been approved under the regulations adopted by the  
671 Commissioner of Motor Vehicles pursuant to subsection (i) of section

672 14-227a, as amended by this act.

673 (e) [No] Except as provided in section 14-36, as amended by this act,  
 674 no provision of this section shall be construed to authorize the  
 675 operation of a motor vehicle by any person whose motor vehicle  
 676 operator's license has been refused, suspended or revoked, or who  
 677 does not hold a valid motor vehicle operator's license. A court shall  
 678 inform the Commissioner of Motor Vehicles of each order made by it  
 679 pursuant to subsection (b) of this section. If any person who has been  
 680 ordered not to operate a motor vehicle unless such motor vehicle is  
 681 equipped with an ignition interlock device is the holder of a special  
 682 permit to operate a motor vehicle for employment purposes, issued by  
 683 the commissioner under the provisions of section 14-37a, as amended  
 684 by this act, strict compliance with the terms of the order shall be  
 685 deemed a condition to hold such permit, and any failure to comply  
 686 with such order shall be sufficient cause for immediate revocation of  
 687 the permit by the commissioner.

688 Sec. 7. Section 14-227k of the general statutes is repealed and the  
 689 following is substituted in lieu thereof (*Effective October 1, 2008*):

690 (a) No person whose right to operate a motor vehicle has been  
 691 restricted pursuant to an order of the court under subsection (b) of  
 692 section 14-227j, [or] as amended by this act, by the Commissioner of  
 693 Motor Vehicles pursuant to subsection (i) of section 14-227a, as  
 694 amended by this act, or pursuant to the provisions of section 14-36, as  
 695 amended by this act, shall (1) request or solicit another person to blow  
 696 into an ignition interlock device or to start a motor vehicle equipped  
 697 with an ignition interlock device for the purpose of providing such  
 698 person with an operable motor vehicle, or (2) operate any motor  
 699 vehicle not equipped with a functioning ignition interlock device or  
 700 any motor vehicle that a court has ordered such person not to operate.

701 (b) No person shall tamper with, alter or bypass the operation of an  
 702 ignition interlock device for the purpose of providing an operable  
 703 motor vehicle to a person whose right to operate a motor vehicle has

704 been restricted pursuant to an order of the court under subsection (b)  
705 of section 14-227j, [or] as amended by this act, by the Commissioner of  
706 Motor Vehicles pursuant to subsection (i) of section 14-227a, as  
707 amended by this act, or pursuant to the provisions of section 14-36, as  
708 amended by this act.

709 (c) Any person who violates any provision of subsection (a) or (b) of  
710 this section shall be guilty of a class C misdemeanor.

711 (d) Each court shall report each conviction under subsection (a) or  
712 (b) of this section to the Commissioner of Motor Vehicles, in  
713 accordance with the provisions of section 14-141. The commissioner  
714 shall suspend the motor vehicle operator's license or nonresident  
715 operating privilege of the person reported as convicted for a period of  
716 one year.

717 Sec. 8. Section 54-56g of the 2008 supplement to the general statutes  
718 is repealed and the following is substituted in lieu thereof (*Effective*  
719 *October 1, 2008*):

720 (a) There shall be a pretrial alcohol education system for persons  
721 charged with a violation of section 14-227a, as amended by this act, 14-  
722 227g, as amended by; this act, 15-133, 15-140l or 15-140n. Upon  
723 application by any such person for participation in such system and  
724 payment to the court of an application fee of fifty dollars and a  
725 nonrefundable evaluation fee of one hundred dollars, the court shall,  
726 but only as to the public, order the court file sealed, provided such  
727 person states under oath, in open court or before any person  
728 designated by the clerk and duly authorized to administer oaths,  
729 under penalties of perjury that: (1) If such person is charged with a  
730 violation of section 14-227a, as amended by this act, such person has  
731 not had such system invoked in such person's behalf within the  
732 preceding ten years for a violation of section 14-227a, as amended by  
733 this act, (2) if such person is charged with a violation of section 14-  
734 227g, as amended by this act, such person has never had such system  
735 invoked in such person's behalf for a violation of section 14-227a, as

736 amended by this act, or 14-227g, as amended by this act, (3) such  
737 person has not been convicted of a violation of section 53a-56b, as  
738 amended by this act, or 53a-60d, as amended by this act, a violation of  
739 subsection (a) of section 14-227a, [before or after October 1, 1981,] as  
740 amended by this act, or a violation of subdivision (1) or (2) of  
741 subsection (a) of section 14-227a on or after October 1, 1985, and (4)  
742 such person has not been convicted in any other state at any time of an  
743 offense the essential elements of which are substantially the same as  
744 section 53a-56b, as amended by this act, or 53a-60d, as amended by this  
745 act, or subdivision (1) or (2) of subsection (a) of section 14-227a, as  
746 amended by this act. Unless good cause is shown, a person shall be  
747 ineligible for participation in such pretrial alcohol education system if  
748 such person's alleged violation of section 14-227a, as amended by this  
749 act, or 14-227g, as amended by this act, caused the serious physical  
750 injury, as defined in section 53a-3 of the 2008 supplement to the  
751 general statutes, of another person. The application fee imposed by  
752 this subsection shall be credited to the Criminal Injuries Compensation  
753 Fund established by section 54-215.

754 (b) The court, after consideration of the recommendation of the  
755 state's attorney, assistant state's attorney or deputy assistant state's  
756 attorney in charge of the case, may, in its discretion, grant such  
757 application. If the court grants such application, it shall refer such  
758 person to the Court Support Services Division for assessment and  
759 confirmation of the eligibility of the applicant and to the Department  
760 of Mental Health and Addiction Services for evaluation. The Court  
761 Support Services Division, in making its assessment and confirmation,  
762 may rely on the representations made by the applicant under oath in  
763 open court with respect to convictions in other states of offenses  
764 specified in subsection (a) of this section. Upon confirmation of  
765 eligibility and receipt of the evaluation report, the defendant shall be  
766 referred to the Department of Mental Health and Addiction Services  
767 by the Court Support Services Division for placement in an  
768 appropriate alcohol intervention program for one year, or be placed in  
769 a state-licensed substance abuse treatment program. Any person who



770 enters the system shall agree: (1) To the tolling of the statute of  
771 limitations with respect to such crime, (2) to a waiver of such person's  
772 right to a speedy trial, (3) to complete ten or fifteen counseling sessions  
773 in an alcohol intervention program or successfully complete a  
774 substance abuse treatment program of not less than twelve sessions  
775 pursuant to this section dependent upon the evaluation report and the  
776 court order, (4) upon completion of participation in the alcohol  
777 intervention program, to accept placement in a treatment program  
778 upon recommendation of a provider under contract with the  
779 Department of Mental Health and Addiction Services pursuant to  
780 subsection (d) of this section or placement in a state-licensed treatment  
781 program which meets standards established by the Department of  
782 Mental Health and Addiction Services, if the Court Support Services  
783 Division deems it appropriate, and (5) if ordered by the court, to  
784 participate in at least one victim impact panel. The suspension of the  
785 motor vehicle operator's license of any such person pursuant to section  
786 14-227b, as amended by this act, shall be effective during the period  
787 such person is participating in such program, provided such person  
788 shall have the option of not commencing the participation in such  
789 program until the period of such suspension is completed. If the Court  
790 Support Services Division informs the court that the defendant is  
791 ineligible for the system and the court makes a determination of  
792 ineligibility or if the program provider certifies to the court that the  
793 defendant did not successfully complete the assigned program or is no  
794 longer amenable to treatment, the court shall order the court file to be  
795 unsealed, enter a plea of not guilty for such defendant and  
796 immediately place the case on the trial list. If such defendant  
797 satisfactorily completes the assigned program, such defendant may  
798 apply for dismissal of the charges against such defendant and the  
799 court, on reviewing the record of the defendant's participation in such  
800 program submitted by the Court Support Services Division and on  
801 finding such satisfactory completion, shall dismiss the charges. If the  
802 defendant does not apply for dismissal of the charges against such  
803 defendant after satisfactorily completing the assigned program the

804 court, upon receipt of the record of the defendant's participation in  
805 such program submitted by the Court Support Services Division, may  
806 on its own motion make a finding of such satisfactory completion and  
807 dismiss the charges. Upon motion of the defendant and a showing of  
808 good cause, the court may extend the one-year placement period for a  
809 reasonable period for the defendant to complete the assigned program.  
810 A record of participation in such program shall be retained by the  
811 Court Support Services Division for a period of seven years from the  
812 date of application. The Court Support Services Division shall transmit  
813 to the Department of Motor Vehicles a record of participation in such  
814 program for each person who satisfactorily completes such program.  
815 The Department of Motor Vehicles shall maintain for a period of  
816 [seven] ten years the record of a person's participation in such program  
817 as part of such person's driving record. The Court Support Services  
818 Division shall transmit to the Department of Environmental Protection  
819 the record of participation of any person who satisfactorily completes  
820 such program who has been charged with a violation of the provisions  
821 of section 15-133, 15-140/ or 15-140n. The Department of  
822 Environmental Protection shall maintain for a period of [seven] ten  
823 years the record of a person's participation in such program as a part  
824 of such person's boater certification record.

825 (c) At the time the court grants the application for participation in  
826 the alcohol intervention program, such person shall also pay to the  
827 court a nonrefundable program fee of three hundred twenty-five  
828 dollars if such person is ordered to participate in the ten-session  
829 program and a nonrefundable program fee of five hundred dollars if  
830 such person is ordered to participate in the fifteen-session program. If  
831 the court grants participation in a treatment program, such person  
832 shall be responsible for the costs associated with participation in such  
833 program. No person may be excluded from either program for  
834 inability to pay such fee or cost, provided (1) such person files with the  
835 court an affidavit of indigency or inability to pay, (2) such indigency or  
836 inability to pay is confirmed by the Court Support Services Division,  
837 and (3) the court enters a finding thereof. If the court finds that a

838 person is indigent or unable to pay for a treatment program, the costs  
839 of such program shall be paid for from the pretrial account established  
840 under section 54-56k. If the court denies the application, such person  
841 shall not be required to pay the program fee. If the court grants the  
842 application, and such person is later determined to be ineligible for  
843 participation in such pretrial alcohol education system or fails to  
844 complete the assigned program, the program fee shall not be refunded.  
845 All such evaluation and program fees shall be credited to the pretrial  
846 account established under section 54-56k.

847 (d) The Department of Mental Health and Addiction Services shall  
848 contract with service providers, develop standards and oversee  
849 appropriate alcohol programs to meet the requirements of this section.  
850 Said department shall adopt regulations in accordance with chapter 54  
851 to establish standards for such alcohol programs. Any person ordered  
852 to participate in a treatment program shall do so at a state-licensed  
853 treatment program which meets the standards established by said  
854 department. Any defendant whose employment or residence makes it  
855 unreasonable to attend an alcohol intervention program or a treatment  
856 program in this state may attend a program in another state which has  
857 standards substantially similar to, or higher than, those of this state,  
858 subject to the approval of the court and payment of the application,  
859 evaluation and program fees, as appropriate, as provided in this  
860 section.

861 (e) The court may, as a condition of granting such application,  
862 require that such person participate in a victim impact panel program  
863 approved by the Court Support Services Division of the Judicial  
864 Department. Such victim impact panel program shall provide a  
865 nonconfrontational forum for the victims of alcohol-related or drug-  
866 related offenses and offenders to share experiences on the impact of  
867 alcohol-related or drug-related incidents in their lives. Such victim  
868 impact panel program shall be conducted by a nonprofit organization  
869 that advocates on behalf of victims of accidents caused by persons who  
870 operated a motor vehicle while under the influence of intoxicating

871 liquor or any drug, or both. Such organization may assess a  
872 participation fee of not more than seventy-five dollars on any person  
873 required by the court to participate in such program, provided such  
874 organization shall offer a hardship waiver when it has determined that  
875 the imposition of a fee would pose an economic hardship for such  
876 person.

877 (f) The provisions of this section shall not be applicable in the case of  
878 any person charged with a violation of section 14-227a, as amended by  
879 this act, while operating a commercial motor vehicle, as defined in  
880 section 14-1 of the 2008 supplement to the general statutes, as amended  
881 by this act.

882 Sec. 9. Subdivision (74) of subsection (a) of section 14-1 of the 2008  
883 supplement to the general statutes is repealed and the following is  
884 substituted in lieu thereof (*Effective October 1, 2008*):

885 (74) "Second" violation or "subsequent" violation means an offense  
886 committed not more than three years after the date of an arrest which  
887 resulted in a previous conviction for a violation of the same statutory  
888 provision, except in the case of a violation of section 14-215 of the 2008  
889 supplement to the general statutes or 14-224, [or subsection (a) of  
890 section 14-227a,] "second" violation or "subsequent" violation means an  
891 offense committed not more than ten years after the date of an arrest  
892 which resulted in a previous conviction for a violation of the same  
893 statutory provision, and in the case of a violation of subsection (a) of  
894 section 14-227a, as amended by this act, "second" violation or  
895 "subsequent" violation means an offense committed not more than  
896 fifteen years after the date of an arrest which resulted in a previous  
897 conviction for a violation of the same statutory provision.

898 Sec. 10. Subsection (b) of section 53a-56b of the general statutes is  
899 repealed and the following is substituted in lieu thereof (*Effective*  
900 *October 1, 2008*):

901 (b) Manslaughter in the second degree with a motor vehicle is a

902 class C felony and the court shall suspend the motor vehicle operator's  
 903 license or nonresident operating privilege of any person found guilty  
 904 under this section for one year. The court shall also order such person  
 905 not to operate any motor vehicle that is not equipped with an  
 906 approved ignition interlock device for a period of two years after such  
 907 person's operator's license or nonresident operating privilege is  
 908 restored by the Commissioner of Motor Vehicles.

909 Sec. 11. Subsection (b) of section 53a-60d of the general statutes is  
 910 repealed and the following is substituted in lieu thereof (*Effective*  
 911 *October 1, 2008*):

912 (b) Assault in the second degree with a motor vehicle is a class D  
 913 felony and the court shall suspend the motor vehicle operator's license  
 914 or nonresident operating privilege of any person found guilty under  
 915 this section for one year. The court shall also order such person not to  
 916 operate any motor vehicle that is not equipped with an approved  
 917 ignition interlock device for a period of two years after such person's  
 918 operator's license or nonresident operating privilege is restored by the  
 919 Commissioner of Motor Vehicles.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	14-36
Sec. 2	<i>October 1, 2008</i>	14-37a
Sec. 3	<i>October 1, 2008</i>	14-227a
Sec. 4	<i>October 1, 2008</i>	14-227b
Sec. 5	<i>October 1, 2008</i>	14-227g
Sec. 6	<i>October 1, 2008</i>	14-227j
Sec. 7	<i>October 1, 2008</i>	14-227k
Sec. 8	<i>October 1, 2008</i>	54-56g
Sec. 9	<i>October 1, 2008</i>	14-1(a)(74)
Sec. 10	<i>October 1, 2008</i>	53a-56b(b)
Sec. 11	<i>October 1, 2008</i>	53a-60d(b)

***Statement of Purpose:***

To make revisions to the provisions of the general statutes concerning operating a motor vehicle under the influence of alcohol or drugs and ignition interlock devices for motor vehicles.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*